

Notice of Allowability

Application No.

10/530,937

Examiner

Robert B. Davis

Applicant(s)

KORNDORFER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/08/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: In regards to claim 1, none of the prior art of record teach or suggest a device for inserting sticks into molds for producing confectionary on a stick comprising a rotary body having an annular cross section, which leaves an annular space free around a shaft member defining an axis of rotation, radial channels open into annular space, and an ejector common to all stick holders is arranged non-rotatably in the annular space and comprises plungers for pushing the sticks out of the channels, which plungers are each able to enter the channels directed towards a row of mold cavities only when the rotary body is at a standstill and may be withdrawn back into annular space before the next step of the rotary body. The closest prior art (Steels GB 2219725A and DE 3919324A) discloses a rotary stick inserting means wherein cam rollers (41C) moves rod holding bars (41b) to deliver sticks into molds (3); however, the reference fails to disclose an annular space having a non-rotatable ejector common to all stick holders. In regards to claim 6, none of the prior art of record teaches or suggests a device for inserting sticks into molds comprising a mold conveyor with molds arranged one behind the other in the conveying direction thereof, which molds comprise mold cavities which are arranged next to one another in rows and may be filled with confectionary mass, a feeder, which provides a corresponding row of sticks to each mold cavities, a centring device being arranged on each mold, which device comprises a centring hole over each mold cavity for the associated stick, the centring device takes the form of a lid which may be positioned on the associated mold, a lid positioning device is arranged upstream, in the conveying

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direction, of the area in which the sticks are inserted into the molds, a lid removing device is arranged downstream of the above mentioned area in the conveying direction, and the lid removing device is connected to the lid positioning device by a lid return device. The closest prior art (Grigoli et al 4,699,583 and Rasmussen 2,884,875) disclose a plurality of molds for molding stick confection articles, wherein the molds are supported by a mold circuit conveying apparatus, but the references fail to disclose or suggest lid centring device and a lid positioning and lid removing device with the stick insertion area being positioned between the lid positioning and lid removing device.

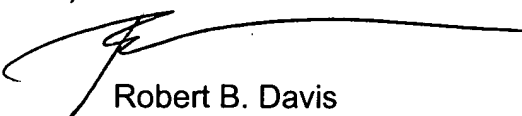
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert B. Davis
Primary Examiner
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12/11/06